



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Enforcement Programs and Services

Washington, DC 20226

July 26, 2021

OPEN LETTER TO ALL TEXAS FEDERAL FIREARMS LICENSEES

The purpose of this letter is to provide guidance on your obligations as a federal firearms licensee (FFL) in Texas. The following guidance is intended to assist you in accomplishing this goal. This letter does not impose any new obligations. It merely confirms the continuing applicability of existing federal obligations.

The passage of Texas [House Bill 957](#) (HB957), with an effective date of September 1, 2021, has generated questions from industry members as to how this state law may affect them while engaged in a firearms business activity. HB957 claims to exempt silencers (also known as suppressors) that are manufactured in Texas, and which remain in Texas, from Federal firearms laws and regulations, including the federal registration requirements. However, because HB957 directly conflicts with federal firearms laws and regulations, federal law supersedes HB957. In summary, all provisions of the Gun Control Act (GCA) and the National Firearms Act (NFA), including their corresponding regulations, continue to apply to FFLs and other persons in Texas.

As you know, 18 U.S.C. § 923 requires a license to engage in the business of manufacturing or dealing in firearms, even if the firearms remain within the same state. All firearms manufactured by a licensee must be properly marked. Additionally, pursuant to 27 CFR § 478.123, each licensee must record the type, model, caliber or gauge, and serial number of each firearm manufactured or otherwise acquired, and the date such manufacture or other acquisition was made. The required information must be recorded in the licensee's records not later than the seventh day following the date such manufacture or other acquisition was made.

In addition to possessing a license under the GCA, 26 U.S.C. § 5801 requires an FFL engaged in the business of manufacturing or dealing in NFA firearms, including silencers, to pay a special occupational tax. Furthermore, an *approved* [ATF Form 4](#) and Firearms Transaction Record ([ATF Form 4473](#)) is required prior to the disposition of an NFA firearm (which under the NFA expressly includes a silencer) to an unlicensed person. The approved Form 4 indicates registration of the firearm/silencer to the transferee in the National Firearms Registration and Transfer Record. These federal requirements apply regardless of whether the NFA firearm/silencer has crossed state lines.

If you have any questions regarding the federal firearms laws and regulations, please contact your local ATF office. ATF works closely with the firearms industry and appreciates the important role the industry plays in combating violent crime.

A listing of ATF office phone numbers can be found at <https://www.atf.gov/contact/atf-field-divisions>.

A handwritten signature in black ink, appearing to read 'Alphonso Hughes', with a long horizontal line extending to the right.

Alphonso Hughes
Assistant Director
Enforcement Programs and Services